

**SENATE BILL REPORT**

**SB 5122**

**AS OF JANUARY 24, 1991**

**Brief Description:** Safeguarding private property interests.

**SPONSORS:** Senators McCaslin, Patterson, Rasmussen, Thorsness, Hansen, Metcalf, Barr, Hayner, Amondson, Matson, Craswell, Vognild, Stratton, Roach, Oke and Erwin.

**SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS**

**Staff:** Martin Lovinger (786-7443)

**Hearing Dates:** January 29, 1991

**BACKGROUND:**

It is presently felt that there is no orderly, consistent process by which the Office of the Attorney General or governmental bodies themselves evaluate whether proposed regulatory or administrative actions may result in a taking of private property or a violation of due process.

**SUMMARY:**

The Attorney General is required to develop a checklist and guidelines by October 1, 1991 to assist state and local government agencies in identifying and evaluating policies that have constitutional implications. The checklist and guidelines must be reviewed annually.

State and local government agencies proposing or implementing policies that have constitutional implications shall designate a person with responsibility for ensuring compliance with this law. The designated person shall prepare a constitutional impact assessment including analysis of the effects on private property, alternatives that would reduce effects on private property and an estimate of the cost of compensation for the effects. Failure to comply with this procedure will result in reduction of the agency's budget of any amount awarded to owners of private property for takings or due process violations.

Owners of private property who successfully sue for unconstitutional takings or due process violations are entitled to recover their reasonable costs and attorneys' fees.

Assessments for taxes and levies shall reflect the effect of policies with constitutional implications on the fair market value of the property.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested January 22, 1991